

## REMARKS

Claims 1-29 and 31-39 are now in the application. Claims 30 and 40 - 44 have been canceled in order to place the application in better condition for allowance or appeal. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

### Response To Rejections Under Section 101

Pending claims 10-28 and 31-39 were finally rejected under 35 U.S.C. § 101, the Examiner contending that the claimed invention is directed to non-statutory subject matter. To overcome this rejection applicants have expressly recited, in independent claims 10 and 28 are amended to expressly recite a computer in the claimed server system and automation system. Support for this subject matter is in the specification. See par [0021] of the published application. Removal of the rejection is requested.

### Response to Rejections Under Section 103

Claims 10-28 were previously rejected under 35 U.S.C § 102(e), as anticipated by Swales et al. (US 6,321,272). In the prior response, applicants disagreed that Swales discloses a web server having a mechanism for implementing an automation functionality. Swales does not teach or suggest a web server comprising automation functionality. Swales et al. discloses different units for the web server and the programmable controller. In the outstanding office action the rejection under Section 102 was withdrawn in lieu of a new rejection under Section 103: Swales (U.S. 6,321,272) in view of Kichlin et al. (Kichlin).

The present rejection is premised on a conclusion that Kichlin discloses a web server which includes automation functionality. Applicants respectfully disagree with this conclusion for the following reasons.

The rejection cites section 1, 2, 3.2 and 4.1 in Highrobot as support for the combination with Swales to find the claimed subject matter. However, applicants request that the Examiner reconsider these citations because, based on Figure 1 of Kichlin, it appears that these citations are, at best, ambiguous. That is, based on Figure 1 it does not appear that the text actually discloses a web server which includes automation functionality.

Applicants acknowledge that the Kichlin reference does disclose field bus networking but, based on Figure 1, such disclosure appears conventional. As best understood, the disclosed and illustrated HighRobot is a system (see section 4) which includes both a multiprocessor SPARC station (with a CAN interface card) and a series of Drive Controllers. As seen in Figure 1, the drive controllers are shown as separate and apart from the SPARC station. Applicants submit that the cited text (section 1) stating "With the use of the HIGHROBOT control system **in our robot cell** we replaced three control systems (including two PLCs). [Emphasis Added]" refers to the entire system and not simply the SPARC station. The text states that the control systems were replaced, but does not say there are "no" controllers. In fact, Figure 1 illustrates what appear to be the drive controllers that were replaced as a block labeled "Drive Controllers for Robot Drives" and this block is not part of the SPARC station.

For the above reasons it is requested that the Examiner withdraw the art rejection of all claims. If the Examiner has any basis to disagree with applicant's use of Figure 1 to clarify the disclosure of Kichlin, the Examiner is invited to respond by providing citation in support thereof.

(Please proceed to the next page.)

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are overcome and the application should be passed to issue. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 11/7/08

By: 

John P. Musone  
Registration No. 44,961  
(407) 736-6449

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830